

Message Text

PAGE 01 STATE 249537

64

ORIGIN SS-30

INFO OCT-01 ISO-00 /031 R

66610

DRAFTED BY: EA/PRCM:CWFREEMAN:NBG

APPROVED BY: S/S - MR PICKERING

EA/PRCM-OVARMSTRONG

L/M/SCA-KEMALMBORG

EA - AWHUMMEL, JR

DISTRIBUTION: EA, L AND S/S ONLY

----- 075508

P 212358Z DEC 73

FM SECSTATE WASHDC

TO USLO PEKING PRIORITY

AMCONSUL HONG KONG PRIORITY

C O N F I D E N T I A L STATE 249537

EXDIS

E.O. 11652: GDS

TAGS: PFOR, CH, APER (PLATT, NICHOLAS)

SUBJECT: TRAFFIC ACCIDENT

REF: (A) PAKING 1631; (B) PEKING 0039; (C) STATE 110673

1. DEPARTMENT UNDERSTANDS FROM USLO PERSONNEL RECENTLY ON CONSULTATIONS IN WASHINGTON THAT PLATT HAS BEEN CONFINED BY PRC AUTHORITIES TO PEKING AREA AND THAT HIS DRIVER'S LICENSE HAS BEEN SUSPENDED. PLEASE CONFIRM.

2. WE ARE CONCERNED THAT PRC ACTIONS AND OUR ACQUIESCENCE IN THIS CASE MIGHT COMPROMISE DIPLOMATIC IMMUNITY OF PLATT OR CREATE PRECEDENT FOR COMPROMISING IMMUNITY OF ANY USLO PERSONNEL WHO MIGHT BE IN SIMILAR SITUATION IN THE FUTURE.

3. IF IT IS TRUE THAT PLATT HAS BEEN RESTRICTED TO PEKING, THIS WOULD TECHNICALLY CONSTITUTE "ARREST OR DETENTION" OF DIPLOMATIC PERSONNEL WHICH IS SPECIFICALLY PROHIBITED BY CONFIDENTIAL

PAGE 02 STATE 249537

ARTICLE 29 OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS, AS WELL AS VIOLATION OF ARTICLE 26 (WHICH PRC CUSTOMARILY VIOLATES) WHICH REQUIRES RECEIVING STATE TO ENSURE FREEDOM OF MOVEMENT AND TRAVEL IN ITS TERRITORY TO PERSONNEL OF

FOREIGN MISSIONS.

4. WHILE PRC DOES NOT ACCEPT VIENNA CONVENTION, DETENTION OF PLATT IN PEKING WOULD ALSO CONTRAVENE MEMORANDUM OF UNDERSTANDING ON DIPLOMATIC PRIVILEGES AND IMMUNITIES WHICH REF B REPORTED PRC HAD ACCEPTED IN PRINCIPLE, AND WHICH USLO CONFIRMED TO PRC, PER REF C. ARTICLE II (1) OF MEMORANDUM READS: "THE PERSONS OF PERSONNEL OF THE LIAISON OFFICE SHALL BE INVOLABLE. THEY SHALL NOT BE SUBJECT TO ANY FORM OF ARREST OR DETENTION..." ARTICLE II (2) PROVIDES THAT "PERSONNEL OF THE LIAISON OFFICE SHALL ENJOY IMMUNITY FROM THE CRIMINAL JURISDICTION OF THE RECEIVING STATE. THEY SHALL ALSO ENJOY IMMUNITY FROM ITS CIVIL AND ADMINISTRATIVE JURISDICTION... PERSONNEL OF THE LIAISON OFFICE ARE NOT OBLIGED TO GIVE EVIDENCE AS WITNESSES."

5. DEPARTMENT WOULD APPRECIATE INFORMATION FROM USLO (A) ON HOW CHINESE HAVE HANDLED OTHER CASES OF TRAFFIC ACCIDENTS INVOLVING INJURIES OR FATALITIES WHEN THESE CONCERN PERSONNEL OF THIRD COUNTRY MISSIONS IN PEKING (B) USLO VIEWS ON HOW MATTERS SHOULD BE HANDLED IN LIGHT OF CONCERNS MENTIONED ABOVE.
RUSH

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: Z
Capture Date: 10 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRAFFIC ACCIDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 21 DEC 1973
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE249537
Document Source: ADS
Document Unique ID: 00
Drafter: EA/PRCM:CWFREEMAN:NBG
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: P750029-0381
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731257/abqcekjo.tel
Line Count: 78
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY EXDIS
Reference: (A) PAKING 1631; (B) PEKING 0039; (C) STATE 110673
Review Action: RELEASED, APPROVED
Review Authority: worrelsw
Review Comment: n/a
Review Content Flags:
Review Date: 27 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27-Jul-2001 by shawdg>; APPROVED <07 MAR 2002 by worrelsw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TRAFFIC ACCIDENT
TAGS: PFOR, APER, CH, (PLATT, NICHOLAS)
To: PEKING
HONG KONG
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005